

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

- V. -

ABDULRAHMAN EL BAHNASAWY,

Defendant.

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SEALED

INDICTMENT

16 Cr.

16 CRIM

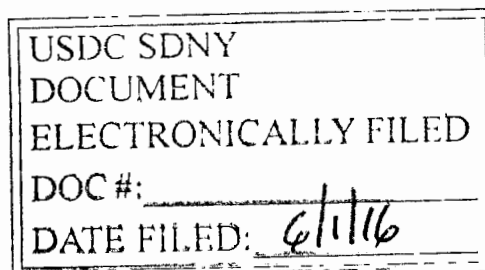
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COUNT ONE

(Conspiracy to Use Weapons of Mass Destruction)

The Grand Jury charges:

1. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, acting without lawful authority, did knowingly conspire to use a weapon of mass destruction, namely, an explosive bomb and similar device, against persons and property within the United States, and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, (ii) such property is used in an activity that affects interstate and foreign commerce, (iii) a perpetrator traveled in and caused another to travel in interstate and foreign commerce in furtherance of the offense, and (iv) the offense and the



results of the offense would have affected interstate and foreign commerce.

Overt Acts

2. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York and elsewhere:

a. At various times between on or about April 30, 2016 and on or about May 21, 2016, ABDULRAHMAN EL BAHNASAWY, the defendant, a Canadian national, communicated with an undercover law enforcement officer (the "UC") located in the United States regarding planning and carrying out, together with others known and unknown, terrorist acts in and around New York City for and in the name of the Islamic State of Iraq and the Levant ("ISIL") (the "Attacks").

b. On or about May 1, 2016, EL BAHNASAWY sent the UC multiple maps of the New York City subway system containing markings that depicted plans for attacking the New York City subway system, including by identifying the subway lines in which explosives would be detonated as part of the Attacks.

c. On or about May 1, 2016, EL BAHNASAWY informed the UC that he (EL BAHNASAWY) would tell a co-

conspirator residing in Pakistan not named as a defendant herein ("CC-1") to contact the UC.

d. On or about May 1, 2016, CC-1 informed the UC that he (CC-1) was in contact with EL BAHNASAWY and planned to participate in the Attacks.

e. On or about May 7, 2016, EL BAHNASAWY, while in Canada, purchased approximately 40 pounds of hydrogen peroxide for use in constructing explosive devices to carry out the Attacks, and caused the hydrogen peroxide to be shipped to the UC in the United States.

f. On or about May 7, 2016, EL BAHNASAWY informed the UC that another co-conspirator not named as a defendant herein ("CC-2") would send money to the UC so that the UC could purchase materials necessary to make a car bomb.

g. On or about May 9, 2016, EL BAHNASAWY provided CC-2's contact information to the UC and informed the UC that CC-2 would send money to the UC.

h. During the week of May 9, 2016, the UC informed El Bahnasawy that CC-2 had sent money in support of the operation, and El Bahnasawy responded "Allahu Akbar."

i. At various times in or about May 2016, EL BAHNASAWY, while in Canada, purchased additional bomb-making materials, including Christmas lights, batteries, battery holders, thermometers, and aluminum foil, for use in

constructing explosive devices to carry out the Attacks, and caused those materials to be shipped to the UC in the United States.

j. On or about May 12, 2016, EL BAHNASAWY sent the UC an image depicting Times Square and communicated with the UC regarding detonating a car bomb in Times Square as part of the Attacks.

k. On or about May 20, 2016, CC-1 communicated with the UC in furtherance of the Attacks knowing that the UC was in Manhattan, New York.

l. On or about May 21, 2016, EL BAHNASAWY traveled from Canada to New Jersey in preparation for carrying out the Attacks.

m. On or about May 21, 2016, EL BAHNASAWY communicated with the UC in furtherance of the Attacks knowing that the UC was in Manhattan, New York.

(Title 18, United States Code, Section 2332a(a)(2)(A)-(D).)

COUNT TWO

(Conspiracy to Commit Acts of Terrorism Transcending National Boundaries)

The Grand Jury further charges:

3. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly conspire,

in an offense involving conduct transcending national boundaries, to kill, maim, commit an assault resulting in serious bodily injury, and assault with a dangerous weapon persons within the United States, and to create a substantial risk of serious bodily injury to another person by destroying and damaging a structure, conveyance, and other real or personal property within the United States, in violation of the laws of the United States, namely, Title 18, United States Code, Sections 2332a (use of weapons of mass destruction) and 2332f (bombing of places of public use and public transportation facilities), and (i) the mail and facilities of interstate and foreign commerce, including mobile telephones, were used in furtherance of the offense, and (ii) the offense and the results of the offense would have affected interstate and foreign commerce.

Overt Acts

4. In furtherance of the conspiracy and to effect the illegal object thereof, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, committed the overt acts alleged in Paragraph 2 above, among others, which acts are realleged and incorporated as if set forth here in full.

(Title 18, United States Code, Section 2332b(a)(1)(A),
(a)(1)(B), (a)(2), (b)(1)(A), (b)(1)(B).)

COUNT THREE
(Conspiracy to Bomb a Place of Public Use and Public
Transportation System)

The Grand Jury further charges:

5. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly and unlawfully conspire to deliver, place, discharge, and detonate an explosive and other lethal device in, into, and against a place of public use and a public transportation system, with the intent to cause death and serious bodily injury, and with the intent to cause extensive destruction of such a place and system, and where such destruction was likely to result in major economic loss, and the offense took place in the United States and a perpetrator is a national of another state, and the offense took place outside the United States and a perpetrator is found in the United States.

Overt Acts

6. In furtherance of the conspiracy and to effect the illegal object thereof, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, committed the overt acts alleged in Paragraph 2 above, among others, which acts are realleged and incorporated as if set forth here in full.

(Title 18, United States Code, Section 2332f(a)(1)(A),
(a)(1)(B), (b)(1), (b)(2).)

COUNT FOUR

(Conspiracy to Provide Material Support to Terrorists)

The Grand Jury further charges:

7. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly and intentionally conspire to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Sections 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), and 2332f (bombing

of places of public use and public transportation facilities) of Title 18.

8. It was a part and an object of the conspiracy that ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, would and did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), and 2332f (bombing of places of public use and public transportation facilities) of Title 18.

Overt Acts

9. In furtherance of the conspiracy and to effect the illegal object thereof, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, committed the overt acts alleged in Paragraph 2 above, among others, which acts are realleged and incorporated as if set forth here in full.

(Title 18, United States Code, Section 2339A.)

COUNT FIVE

(Provision of Material Support to Terrorists)

The Grand Jury further charges:

10. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, property, services, and personnel (including himself), and to conceal and disguise the nature, location, source, and ownership of material support and resources, knowing and intending that they were to be used in preparation for, and in carrying out, a violation of Section 2332a (use of weapons of mass destruction), 2332b (acts of terrorism transcending national boundaries), and 2332f (bombing of places of public use and public transportation facilities) of Title 18, to wit, EL BAHNASAWY participated in the planning and preparation for terrorist attacks against New York City, for which he caused materials to be shipped in interstate commerce and for which he traveled from Canada to New Jersey.

(Title 18, United States Code, Section 2339A.)

COUNT SIX

**(Conspiracy to Provide Material Support and Resources to a
Designated Foreign Terrorist Organization)**

The Grand Jury further charges:

11. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, together with others known and unknown, did knowingly and intentionally conspire to provide "material support or resources," as that term is defined in Title 18, United States Code, Section 2339A(b), namely, services, and personnel (including himself), to a foreign terrorist organization, namely, ISIL, which has been designated by the Secretary of State as a foreign terrorist organization since 2004, pursuant to Section 219 of the Immigration and Nationality Act ("INA"), and is currently designated as such as of the date of this Indictment.

12. It was a part and an object of the conspiracy that ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, would and did knowingly and intentionally provide, and attempt to provide, ISIL with "material support or resources," namely, services, and personnel (including himself) knowing that ISIL was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIL engages and has engaged in

terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that ISIL engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce.

Overt Acts

13. In furtherance of the conspiracy and to effect the illegal object thereof, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, committed the overt acts alleged in Paragraph 2 above, among others, which acts are realleged and incorporated as if set forth here in full.

(Title 18, United States Code, Section 2339B(a)(1), (d)(1)(D),
(d)(1)(E).)

COUNT SEVEN

**(Provision of Material Support and Resources to a Designated
Foreign Terrorist Organization)**

The Grand Jury further charges:

14. From at least in or about April 2016, up to and including on or about May 21, 2016, in the Southern District of New York and elsewhere, ABDULRAHMAN EL BAHNASAWY, the defendant, and others known and unknown, did knowingly and intentionally provide, and attempt to provide, "material support or resources," as that term is defined in Title 18, United States

Code, Section 2339A(b), namely, services, and personnel (including himself), to a foreign terrorist organization, namely, ISIL, which has been designated by the Secretary of State as a foreign terrorist organization since 2004, pursuant to Section 219 of the INA, and is currently designated as such as of the date of this Indictment, knowing that ISIL was a designated foreign terrorist organization (as defined in Title 18, United States Code, Section 2339B(g)(6)), that ISIL engages and has engaged in terrorist activity (as defined in Section 212(a)(3)(B) of the INA), and that ISIL engages and has engaged in terrorism (as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989), and (i) the offense occurred in whole or in part within the United States, and (ii) the offense occurred in and affected interstate and foreign commerce, to wit, in support of ISIL, EL BAHNASAWY participated in the planning and preparation for terrorist attacks against New York City, for which he caused materials to be shipped in interstate commerce and for which he traveled from Canada to New Jersey.

(Title 18, United States Code, Section 2339B(a)(1), (d)(1)(D),
(d)(1)(E).)

FORFEITURE ALLEGATIONS

15. The allegations contained in Counts One through Seven of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c).

16. The violations of Title 18, United States Code, Section 2332a alleged in Count One of this Indictment, Title 18, United States Code, Section 2332b alleged in Count Two of this Indictment, Title 18, United States Code, Section 2332f alleged in Count Three of this Indictment, Title 18, United States Code, Section 2339A alleged in Counts Four and Five of this Indictment, and Title 18, United States Code, Section 2339B alleged in Counts Six and Seven of this Indictment, are Federal crimes of terrorism, as defined in 18 U.S.C. § 2332b(g)(5), against the United States, citizens and residents of the United States, and their property.

17. ABDULRAHMAN EL BAHNASAWY, the defendant, was an individual engaged in planning and perpetrating a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

18. Upon conviction of any of the offenses alleged in Counts One through Seven of this Indictment, ABDULRAHMAN EL BAHNASAWY, the defendant, shall forfeit to the United States,


pursuant to Title 18, United States Code, Section 981(a)(1)(G)(I), and Title 28, United States Code, Section 2461(c):

- a. all right, title, and interest in all assets, foreign and domestic;
- b. all right, title, and interest in all assets, foreign and domestic, affording a source of influence over ISIL;
- c. all right, title and interest in all assets, foreign and domestic, acquired and maintained with the intent and for the purpose of supporting, planning, conducting, and concealing a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property; and
- d. all right, title and interest in all assets, foreign and domestic, derived from, involved in, and used and intended to be used to commit a Federal crime of terrorism against the United States, citizens and residents of the United States, and their property.

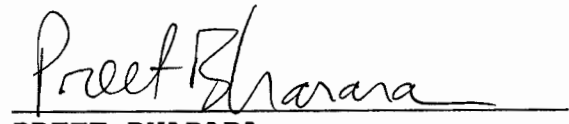
19. Upon conviction of any of the offenses alleged in Counts One through Seven of this Indictment, ABDULRAHMAN EL

BAHNASAWY, the defendant, shall pay to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(G), and Title 28, United States Code, Section 2461(c), a money judgment equal to the value of the assets subject to forfeiture under Paragraph 18 above.

(Title 18, United States Code, Section 981(a)(1)(G) and Title 28, United States Code, Section 2461(c).)



FOREPERSON



PREET BHARARA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

ABDULRAHMAN EL BAHNASAWY,

Defendant.

INDICTMENT

16 Cr.

(18 U.S.C. §§ 2332a, 2332b, 2332f,
2339A, 2339B)

PREET BHARARA

United States Attorney.

A TRUE BILL

Foreperson.

6/1/16
ac

Filed Sealed Indictment

J. Peck
RSM